

MEMO ENDORSED



THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, NY 10007

MICHAEL A. CARDOZO
Corporation Counsel

SABRINA TANN
Phone: (212) 442-8600
Fax: (212) 788-9776
stann@law.nyc.gov

June 12, 2007

BY HAND DELIVERY

Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/14/07

Re: Winston Farrell v. City of New York et al., 07 CV 4052 (LAK)

Your Honor:

As the Assistant Corporation Counsel assigned to the defense of the above-referenced civil rights action, I write to respectfully request that defendant City of New York's time to answer or otherwise respond to the complaint in this action be enlarged sixty (60) days to and including August 14, 2007.¹ I have conferred with plaintiff's counsel, Michael Fineman, Esq., and he consents to this request.

The complaint alleges, *inter alia*, that on June 9, 2006, New York City Police Officer Schnider falsely arrested and employed excessive force against plaintiff, Winston Farrell, in violation of his federal and state civil rights. As a threshold matter, an enlargement of time will allow this office to forward to plaintiff for execution authorizations for the release of the underlying arrest records and underlying medical records. Defendant cannot obtain these records without the authorizations, and without the records, defendant cannot properly assess this case or respond to the complaint. Accordingly, defendant requires this enlargement so that this office

¹ A check of the docket sheet reveals that an Affidavit of Service of Summons and Complaint has not been filed with respect to the individually named police officer defendant Schnider in this action. This office has not discussed with the individually named defendant the manner of service and we make no representation herein as to the adequacy of process. However, in the event service was properly effected, the City respectfully requests that the same enlargement of time be granted to defendant Schnider so that his defenses are not jeopardized while representational issues are being decided.

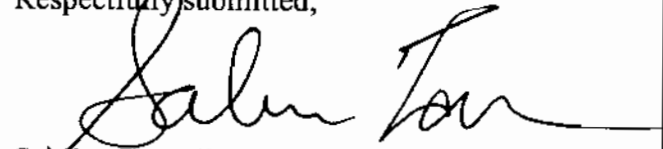
Trans extended to
7/16/07
SO ORDERED
LEWIS A. KAPLAN
6/14/07

may obtain the underlying documentation, properly investigate the allegations of the complaint and fulfill its obligations under Rule 11 of the Federal Rules of Civil Procedure.

No previous request for an enlargement of time has been made. Accordingly, defendant respectfully requests that its time to respond to the complaint be extended to and including August 14, 2007.

I thank Your Honor for considering the within request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sabrina Tann', is written over the typed name and title.

Sabrina Tann (ST 2552)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Michael Fineman, Esq.
Attorney for Plaintiff
(By Facsimile)